

COPY

United States District Court  
Southern District of Texas  
FILED

OCT 01 2001

**Michael N. Milby**  
**Clerk of Court**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

EDWARD ALCALA, et al.,

Plaintiffs,

**VS.**

**ALEX PEREZ, in his official capacity as  
Sheriff of Cameron County, Texas and  
Cameron County, Texas,**

**Defendants.**



















**CIVIL ACTION NO. B-96-203**

**MOTION TO DISMISS WITH  
ORDER**

With the exception of Francisco Gonzalez, SSN 464-13-0086 and Abel G. Garcia SSN 449-14-1319 all claims have been settled or previously dismissed by this Court.

Plaintiffs move to dismiss all claims with the exception of Francisco Gonzalez and Abel G. Garcia for the aforementioned reasons.

WHEREFORE PREMISES CONSIDERED Plaintiffs pray that the Court dismiss all causes of action in the above entitled and numbered cause with the exception of Francisco Gonzalez and Abel G. Garcia.

Respectfully submitted,

**BY:**

GEORGE P. POWELL

**State Bar No. 16196000**

Fed. I.D. No. 3849

**"Attorney In Charge"**

**HINOJOSA & POWELL, P.C.**

**612 Nolana, Ste. 410**

McAllen, TX 78504

(956) 686-2413

Fax No. (956) 686-8462

**CERTIFICATE OF CONFERENCE**

On the 12th day of September, 2001 I conferred with Richard O. Burst and he does not oppose the filing of this Motion.



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GEORGE P. POWELL

**CERTIFICATE OF SERVICE**

I, GEORGE P. POWELL, do hereby certify that on this the 27<sup>th</sup> day of September, 2001, I caused to be mailed a true and correct copy of Plaintiffs' Motion to Dismiss to defendants' attorney of record:

Mr. Richard O. Burst  
**Legal Division Commissioners' Court**  
964 E. Harrison St.  
Brownsville, TX 78520



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GEORGE P. POWELL

IN THE UNITED STATES DISTRICT COURT  
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EDWARD ALCALA, et al.,

**Plaintiffs,**

**VS.**

**ALEX PEREZ, in his official capacity as  
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Cameron County, Texas,**

**Defendants.**

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**CIVIL ACTION NO. B-96-203**

## ORDER

Plaintiffs' Motion to Dismiss is GRANTED. All claims and causes of action in the above styled and numbered cause with the exception of Francisco Gonzalez, SSN 464-13-0086 and Abel G. Garcia SSN 449-14-1319, are hereby dismissed with prejudice to re-file.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

**JUDGE PRESIDING**



COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

EDWARD ALCALA, et al.,

Plaintiffs,

vs.

ALEX PEREZ, in his official capacity as  
Sheriff of Cameron County, Texas and  
Cameron County, Texas,

Defendants.

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CIVIL ACTION NO. **B-96-203**

**AFFIDAVIT OF GEORGE P. POWELL**

STATE OF TEXAS

§  
§  
§

COUNTY OF CAMERON

George P. Powell, being first duly sworn upon oath hereby deposes and states the following:

My name is George P. Powell. I am the attorney of record for Plaintiffs in the *Alcala, et al. vs. Alex Perez in his official capacity*. In reference to the following people, Hugo Cervantes, Fernando Lucio, Maria de Jesus Garcia, I have expended the following hours which were reasonable and necessary:

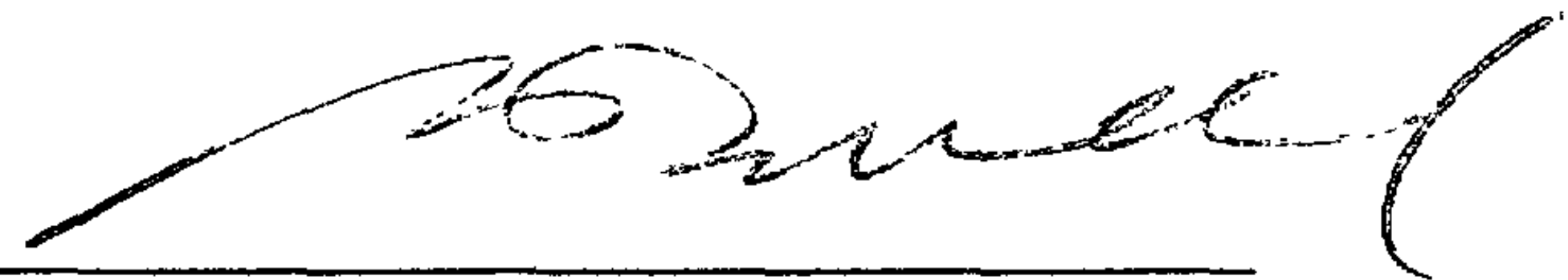
1. Five hours reviewing the cases, preparing clients for trial and negotiating settlements in their cases;
2. Four hours traveling to Court, in Court and returning to McAllen;

3. Preparation of settlement documents.

All hours were expended on September 13<sup>th</sup>, September 25<sup>th</sup> and September 26<sup>th</sup>.

I have been a licensed attorney since 1970. I am a board certified attorney in the area of personal injury trial law. I have been practicing in the area of employment law for thirty years. I know my stuff. A reasonable and customary fee is \$200.00 to \$250.00 per hour for someone such as myself. I am requesting \$175.00 an hour which is very reasonable. The amount of time that I have spent on these cases was reasonable and necessary. I am not requesting any time which I spent on the cases prior to September 13, 2001 which would have at least doubled the amount which I am requesting.

SIGNED on the 27th day of September, 2001.



GEORGE P. POWELL

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the 27<sup>th</sup> day of September, 2001, to certify which witness my hand and official seal.

  
NOTARY PUBLIC, STATE OF TEXAS